



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Virginia Waste Management Board
VAC Chapter Number:	9 VAC 20-60
Regulation Title:	Hazardous Waste Management Regulations,
Action Title:	Immediate Final Rule 2004
Date:	May 18, 2004

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and file with the Registrar and publish their regulations in a style and format conforming with the Virginia Register Form, Style and Procedure Manual. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the Code of Virginia) and therefore are not subject to publication. Please refer to the Virginia Register Form, Style and Procedure Manual for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Hazardous Waste Management Regulations, 9 VAC 20-60, include requirements in the form of incorporated federal regulatory text at Title 40 of the Code of Federal Regulations. The federal regulatory text as it existed July 1, 2003 was specified as that incorporated. Immediate Final

Rule 2004 addresses only 9 VAC 20-60-18, the section making the specification of the date of incorporated text. This section is altered by striking the previous prescribed date and adopting the new date of July 1, 2004, thus making it the new date of reference of all incorporated federal regulatory text. The effective date of the incorporated text will be the effective date as published in the Federal Register notice or the effective date of this amendment, whichever is later.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Virginia Waste Management Board approved Immediate Final Rule: Amendment 2004 on June 18, 2004 as a final regulation, a revision of 9 VAC 20-60-18 of the Hazardous Waste Management Regulations.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

A copy of Immediate Final Rule 2004, the final regulation, is attached; there are no forms associated with the action; and the only incorporated material is from the U. S. Code of Federal Regulations. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law. Part 271, particularly Section 271.4, of Title 40 of the Code of Federal Regulations requires that authorized hazardous waste management programs of the states have essential statutory and regulatory requirements consistent with current federal requirements.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the institution of the family or family stability.

Changes to Federal Hazardous Waste Management Regulations Between July 1, 2003 and June 30, 2004

USEPA Checklist Number	Date(s) Final Federal Regulations <i>Published</i>	CFR Sections Affected by Federal Amendment(s)	Federal Rule Reference(s)	Summary of Changes
Not Yet Available	July 30, 2003	261, 279	68 <u>FR</u> 44659	This rule eliminates drafting errors and ambiguities in the used oil management standards. Specifically, this rule clarifies when used oil contaminated with polychlorinated biphenyls is regulated under the Resource Conservation and Recovery Act (RCRA) used oil management standards and when it is not; that mixtures of conditionally exempt small quantity generator waste and used oil are subject to the RCRA used oil management standards irrespective of how that mixture is to be recycled; and that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil.
Not Yet Available	July 30, 2003	261	68 <u>FR</u> 44652	The rule excludes (or “delists”) wastewater treatment plant sludge from conversion coating on aluminum generated by six automobile assembly facilities in the State of Michigan from the list of hazardous wastes. The action conditionally excludes the petitioned waste from the requirements of hazardous waste regulations under RCRA when disposed of in a lined Subtitle D landfill that is permitted, licensed, or registered by a state to manage industrial solid waste.
Not Yet Available	August 7, 2003	261	68 <u>FR</u> 46951	The rule excludes (or “delists”) its F002, F003, and F005 mixed waste from the University of California-E.O. Lawrence Berkeley National Laboratory. Also, the rule makes a determination of equivalent treatment for the catalytic chemical oxidation technology that used to treat its original mixed waste.
Not Yet Available	September 11, 2003	261	68 <u>FR</u> 53517	The rule excludes (or “delists”) a waste from the Southeastern Public Service Authority (SPSA) and Onyx Environmental Services (Onyx), on a one-time basis. This exclusion applies to combustion ash previously generated at the SPSA Power Plant in Portsmouth, Virginia, which is currently located at the SPSA Regional Landfill in Suffolk, Virginia. Accordingly, this final rule conditionally excludes a specific volume of the subject waste from the requirements of the hazardous waste regulations under RCRA when that waste is disposed of in a Subtitle D landfill that is permitted, licensed, or registered by a state to manage municipal or industrial solid waste.
Not Yet Available	February 11, 2004	268	69 <u>FR</u> 6567	The rule grants three site-specific treatment variances from the Land Disposal Restrictions treatment standards for selenium-bearing hazardous

				wastes generated by the glass manufacturing industry. The first variance is to Heritage Environmental Services LLC to stabilize a selenium-bearing hazardous waste generated by Guardian Industries Corp. at their RCRA permitted facility in Indianapolis, Indiana. In the second and third variances, EPA establishes two site-specific variances from the Land Disposal Restrictions treatment standards for Chemical Waste Management Inc., at their Kettleman Hills facility in Kettleman City, California, for two selenium-bearing hazardous wastes.
Not Yet Available	February 26, 2004	261	69 FR 8828	The rule excludes (or “delists”) a wastewater treatment plant sludge from conversion coating on aluminum generated by the Daimler-Chrysler Corporation Jefferson North Assembly Plant in Detroit, Michigan from the list of hazardous wastes.
Not Yet Available	April 22, 2004	261	69 FR 21754	The rule excludes (or “delists”) wastes from OxyVinyls, LP that are certain liquid waste generated by its Houston, TX Deer Park VCM Plant from the lists of hazardous wastes. This delists K017, K019, and K020 incinerator off-gas treatment scrubber water generated from treating and neutralizing gasses generated in the firebox during the incineration process.
Not Yet Available	April 22, 2004	63,262	69 FR 21737	This amendment of the regulations is applicable only to members of EPA's National Environmental Performance Track Program (Performance Track, or the Program). This action includes a revision to the RCRA regulations to allow hazardous waste generators who are members of Performance Track up to 180 days, and in certain cases 270 days, to accumulate their hazardous waste without a RCRA permit or interim status; and simplified reporting requirements for facilities that are members of Performance Track and governed by Maximum Available Control Technology (MACT) provisions of the Clean Air Act. These provisions are intended to serve as incentives for facility membership in the National Environmental Performance Track Program while ensuring the current level of environmental protection provided by the relevant RCRA and MACT provisions.
Not Yet Available	May 27, 2004	261	69 FR 30227	The rule excludes (or “delists”) a wastes from Bekaert Corporation (Bekaert) generated by its Dyersburg, Tennessee facility from the lists of hazardous wastes. Delisted is an F006 sludge generated from the treatment of wastewaters generated from electroplating processes.